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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/769,938	01/26/2001	Mark Alexander Barros	PT03398U	6144
7590	02/10/2005		EXAMINER	
			TO, BAOQUOC N	
		ART UNIT	PAPER NUMBER	
		2162		
DATE MAILED: 02/10/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/769,938	BARROS ET AL.	
	Examiner	Art Unit	
	Baoquoc N To	2162	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 26 October 2004.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-24 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____. |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____. | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____. |

DETAILED ACTION

1. After carefully reviews applicant(s) remarks; the office withdraws the Finality of the Office Action dated on 02/24/2004. The Office regrets any inconveniences due to the applicants.

Claims 1-24 are pending in this application.

Response to Arguments

2. Applicant's arguments with respect to claims 1, 9, 19, 21 and 23 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. Claim 1 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. As recited in claim 1, the method does not require a computer system to perform the method; however, the recited method can be performed by a person on papers.

Claims 1-7 are depended on claim 1, therefore, they are rejected under the same reason.

Claim 19 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The system recited in claim 20 does not have physical component to operate.

Art Unit: 2162

Claim 20 is depended on claim 19; therefore, it rejected under the same reason.

Claim 21 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The system recited in claim 20 does not have physical component to operate.

Claim 22 is depended on claim 21; therefore, claim 22 is rejected under the same reason.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-5 and 8-24 are rejected under 35 U.S.C. 102(e) as being anticipated by Glorikian (US. Patent No. 6,343,317 B1).

Regarding on claim 1, 19, 21 and 23, Glorikian teaches the method for sorting data records, comprising:

(a) determining a position of a user within a zone (in response to requests from a portable unit (29,31), the request in some embodiments is accompanied by global positioning data defining the global position of the requesting unit) (col. 4, lines 63-67 and col. 5, line 1); and

(b) sorting data records, wherein said data records are associated with a related zone, wherein sorting is according to proximity of said related zone of said data records in relation to said position of the user (this tourist, for example may be presented with information pertaining to items of very local interest) (col. 5, lines 57-64).

Regarding on claims 2, 20, 22 and 24, Glorikian teaches the method recited in claim 1, further comprising:

(c) resorting said data records upon a change in said position of the user (as the client walks or rides in broad areas of Martin's hundred not immediately adjacent to any specific, more limited (lower-level) historical site, in.

Regarding on claim 3, Glorikian teaches the method recited in claim 2, wherein said step (c) comprises ***at least one*** of:

(1) dynamically detecting said change in said position of the user (position of user change from Martin's hundred to John Boy's house on the bank of the Jame River) (col. 6, lines 1-8);

(2) resorting said data records upon a change in said position of the user to within another zone.

(3) resorting upon detecting a change in said position of the user to a new zone;

(4) resorting upon receiving a resort request;

(5) resorting upon receiving a resort request from the user; and

(6) polling a device associated with the user to determine said change in said position of the user.

Regarding on claim 4, Glorikian teaches the method recited in claim 1, wherein said step (a) comprises *at least one* of:

- (1) determining said zone of said position of the user (the client walks or rides in broad areas of Martin's hundred not immediately adjacent to any specific, more limit (lower-level) historical site, information of a general nature is pushed to the client's portable device. As the client nears John Boy's house on the banks of the James River, specific information about John Boys (who was titular head of Martin's Hundred for a time) and his family will be pushed" (col. 6, lines 1-8);
- (2) receiving said position of the user; and
- (3) polling a device associated with the user to determine said position of the user.

Regarding on claim 8, Glorikian teaches the method recited in claim 1, wherein said zone comprises *at least one* of:

An external definable zone, definable by at least of a user signal and a network signal;

A user identifiable zone (user selects Colonial Williamsburg) (col. 5, lines 42-56); and

A non-user identifiable zone.

Regarding on claim 9, Glorikian teaches a communication device comprising:

A processor operative to access a plurality of records and position information, wherein the processor is operative to sort said plurality of records based on a first detected position (the system detect user position in Martin's hundred and the

information from the general nature is push to the client's portable device) (col. 6, lines 1-5).

Regarding on claim 10, Glorikian teaches the communication device recited in claim 9, wherein said processor is further operative to resort said records based on the second detection position (as the client nears John Boy's house of the banks of the James River, specific information about John Boys (who was titular head of Martin's hundred for a time) and his family will be push) (col. 6, lines 5-8).

Regarding on claim 11, Glorikian teaches the communication device recited in claim 9, wherein said processor is further operative to detect a change in position of a user device (the GPS system detects the user moving from Martin's hundred to John Boy's house) (col. 5, lines 65-67 to col. 6, lines 1-8)

Regarding on claim 12, Glorikian teaches the communication device according to claim 11, wherein said detector comprises ***at least one*** of:

A positioning device;

A global positioning system (GPS positioning) (col. 5, lines 65-67);

A receiver operative to receive position information; and

Three or more receivers operative to detect by triangular said position.

Regarding on claim 13, Glorikian teaches the communication device recited in claim 9, further comprising:

A transmitter operative to transmit said change in position of said user device (col. 4, lines 64-67 and col. 5, lines 1-11 and col. 8, lines 50-52)).

Regarding on claim 14, Glorikian teaches the communication device recited in claim 9, further comprising:

A storage device operative to store and retrieve said records and position information (geographic information server 13) (fig. 1).

Regarding on claim 15, Glorikian teaches the communication device recited in claim 9, further comprising:

A zone detector operative to receive zone information (the GPS gives the positioning information according the user's moving location to locate information about that zone) (col. 6, lines 1-14).

Regarding on claim 16, Glorikian teaches the communication device recited in claim 15, wherein said zone detector is responsive to said zone information wherein said zone information is externally definable (col. 6, lines 1-14).

Regarding on claim 17, Glorikian teaches the communication device recited in claim 16, wherein said externally definable zone information is responsive to *at least one* of:

A user signal (user signal) (col. 8, lines 50-52); and

A network signal.

Regarding on claim 18, Glorikian teaches the communication device recited in claim 15, further comprising a user interface (a user interface) (col. 5, lines 14-17) wherein said zone detector is operative to detect zone responsive to *at least one* of:

A user input signal;

A network signal;

A position detector (GPS detect user changed location) (col. 6, lines 1-14);
A user identifiable zone; and
A non-user identifiable zone.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 6-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Glorikian (US. Patent No. 6,343,317 B1) in view of Deaton et al. (US. Patent No. 6,292,786 B1)

Regarding on claim 5, Glorikian does not explicitly teach said data records comprise at least one of: Items on a shopping list, wherein said zone comprises at least one of an aisle and a floor in a store; Items slated for delivery comprising at least one of mail and packages; Radio stations, wherein said zones comprises a geographical area; and attraction at a theme park, wherein said zones comprise at least one of events, rides, restaurant, and building of said theme park. However, Glorikian discloses "fig. 3 is plan view of a simple, exemplary indoor exhibiting site 69 with indoor exhibits organized in specific locations within the site, according to an embodiment of the present invention. There is an entrance/exist in this example, and there are three exhibit rooms as shown in the figure. Exhibits in cases A through J are arranged in

room 1 and 3 and painting 1 through 14 are hung on the walls of room 2. All exhibits may be documented in an information database by location from an arbitrary point, such as point 0 as shown at the upper left corner of site 69" (col. 7, lines 43-52). On the other hand, Deaton discloses "UPC server 12 may communicate a sorted shopping list, which may or may not include customer incentives, that is configured according to the replacement of the various items in a particular store 14, as designated by arrow 122. Thus, the customer may receive an e-mail displaying a map of the aisles of the store with the products provided by the customer in the shopping list at 116 indicating in a location corresponding to the actual location of the particular product in store 14. This suggests the items on the shopping list is located and sorted based the aisle in the store. Therefore, it would have been obvious to one ordinary skill in the art at the time of the invention was made to modify Glorikian's system to include sorting the items on the shopping list as taught by Deaton in order to allow the user to locate the items much faster.

Regarding on claim 6, Glorikian does not explicitly teach the method recited in claim 1, further comprising at least one of: (c) sorting said data records based on a sorting index; and (d) sorting said data records based on another sorting index. However, Glorikian discloses "information to be indexed by geography (location) is certainly is not limited to historical information, but extends to many other kinds of information, and the type of information to be provided may be selectable by the client" (col. 6, lines 63-66). Further more, Glorikian also discloses "as the client walks or rides in broad areas of Martin's hundred not immediate adjacent to any specific, more limited

(lower-level) historical site, information of a general nature is pushed to the client's portable device. As the client nears John Boy's house on the banks of the Jame River, specific information about John Boy's (who was titular head of Martin's hundred for a time) and his family will be pushed" (col. 6, lines 1-8). This suggested that the records sorting based on the record indexed based on the location of the user move to. Therefore, it would have been obvious to one ordinary skill in the art at the time of the invention was made to utilize the sorting the records based on the changes user location as taught by Glorikian in order to allow the records sorted and retrieved.

Regarding on claim 7, Glorikian teaches the method recited in claim 6, wherein said sorting index and said other sorting index include ***at least one*** of:

Cost;

Time (other dynamic derivative from location and time) (col. 6, lines 15-28);

Duration;

Distance;

Alphabetical order;

Wait time.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Arakawa et al. (US. Patent No. 5,938,719) Patent date: 08/1999.

Kuroda et al. (US. Patent No. 6,567,746) Patent date: 05/2003.

Yamamoto et al. (US. Patent No. 5,337,242) Patent date: 08/1994.

Morita, Kazuya (US. Patent No. 5,493,294) Patent date: 02/1996.

Nagashima, Yoshimasa (US. Patent No. 4,970,652) Patent date: 11/1990.

Endo, Koichi (US. Patent No. 6,278,940) Patent date: 08/2004.

Contact Information

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Baoquoc N. To whose telephone number is at 571-272-4041 or via e-mail BaoquocN.To@uspto.gov. The examiner can normally be reached on Monday-Friday: 8:00 AM – 4:30 PM, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Breene can be reached at 571-272-4107.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231.

The fax numbers for the organization where this application or proceeding is assigned are as follow:

(703) 872-9306 [Official Communication]

Baoquoc N. To
January 31st, 2005

Jean M. CORNELIUS
JEAN M. CORNELIUS
PRIMARY EXAMINER